

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 2 and 4-19 are pending. Claims 1, 2, 9-12 and 17-19 are independent and hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

II. SUPPORT FOR AMENDMENT IN SPECIFICATION

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraph [0084] of Applicant's corresponding published application.

By way of example and not limitation:

[0084] The state SD indicates that an error with a predetermined level or higher, such as a packet error, has occurred in the RTP (RTP included in the multiplexed signal of the RTP and the RTCP) transmitted from the transmission apparatus 11 and received by the reception apparatus 13 via the network 12. **It is noted, however, that the transmission apparatus 11, even in the state SD, transmits a multiplexed signal of the RTP and RTCP and**

periodically transmits the RTCP in the same manner as in the state SB.

III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-2, 4, 5, 7-13 and 15-19 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over EPO Publication No. EP1178631 to Kageyama et al. (hereinafter, merely “Kageyama”) in view of U.S. Patent No. 5,600,663 to Ayanoglu et al. (hereinafter, merely “Ayanoglu”).

Claims 6 and 14 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Kageyama in view of Ayanoglu, further in view of U.S. Patent No. 7,287,201 to Nagai et al. (hereinafter, merely “Nagai”).

a. Kageyama is Disqualified as Prior Art Under 35 U.S.C. 103(c)

Kageyama is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), as amended on November 29, 1999, subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

Kageyama and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office.

Accordingly, Kageyama is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Kageyama in the above-noted Office Action are overcome.

b. Claim 1 is patentable

Claim 1 recites, *inter alia*:

...for changing the second state of transmission means to a fourth state indicating that the transmission means is permitted to transmit **a multiplexed signal of the main information with an error packet and the first control information** to the information reception apparatus via the network, when the second control information indicates that an error has occurred in the received information... (Emphasis added)

Applicant submits that neither Kageyama nor Ayanoglu, taken alone or in combination, that would disclose or render predictable the above-identified features of claim 1. Specifically, neither of the references used as a basis for rejection discloses or renders predictable “a fourth state indicating that the transmission means is permitted to **transmit a multiplexed signal of the main information with an error packet and the first control information to the information reception apparatus** via the network, when the second control information indicates that an error has occurred in the received information,” as recited in claim 1.

Specifically, the Office Action (see page 6) concedes that Kageyama does not disclose a state permitted to transmit the main information with an error packet, but asserts that Ayanoglu discloses the above mentioned feature, and refers to Ayanoglu, col.5 lines 27-62, which are reproduced as follow:

Ayanoglu, col.5 lines 27-62:

FIG. 3 shows the programmed instructions that are implemented to carry out the byte-level FEC technique of the invention. When receiver 201 and transmitter 101 are initialized, in step 301, parameters are pre-defined which represent a) the maximum number (M) of errors that can be corrected for a single packet, and b) a leaky bucket average of number of errors in a packet (k) received by receiver 201 and computed thereto. Following the initialization process, k is set to zero and M is set to zero, in step 302. Upon receiving a packet from transmitter 101 in step 303, receiver 201 analyzes information included in the packet, in step 304, to determine a) whether the packet has been lost or corrupted in transit, in step 305, and b) the number of errors (n) in the packet, in step 306. As mentioned above, the FEC field that may store, for example, CRC byte-level measurement data is used to determine the presence and the number of errors in a received data stream. Alternatively, n may represent the number of uncorrupted bytes received in the packet. When no errors are detected in the data stream, receiver 201 in step 307 waits for the next packet to be received from transmitter 101.

When errors are present in the data stream, the number of errors (n) is then compared to the maximum number of errors (M) that can be corrected in a packet to determine, in step 308, whether n exceeds M. If so, CPU 21 of receiver 201, in step 309, sets n to a predetermined value K. Thereafter, in step 310, receiver 201 transmits the value of n to transmitter 101. The transmission and reception of the value n triggers, in step 311, the packet recovery process which may include, for example, packet-level FEC implementation or, alternatively, retransmission of the previously coded transmitted packet. **When the number of errors in the packet is less than M, receiver 201, in step 312, sends the value of n to the transmitter and proceeds, in step 313, to correct the errors in the packet using the byte-level FEC technique described above.**

Thus, Applicant submits that Ayanoglu describes that when the number of errors in the packet is less than M, the receiver sends the value of n to the transmitter and proceeds to correct the errors in the packet using the byte-level FEC technique. However, nothing has been found in Ayanoglu that discloses or renders predictable “a fourth state indicating that the

transmission means is permitted to transmit **a multiplexed signal of the main information with an error packet and the first control information** to the information reception apparatus via the network, when the second control information indicates that an error has occurred in the received information,” as recited in claim 1.

Furthermore, this deficiency of Ayanoglu is not cured by the supplemental teaching of Kageyama.

Therefore, Applicant submits that independent claim 1 is patentable and respectfully request reconsideration and withdrawal of the rejection.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 2, 9-12 and 17-19 are also patentable, and Applicant thus respectfully requests reconsideration of the rejections thereto.

IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Applicant thereby respectfully requests reconsideration and withdrawal of rejections thereto. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Because Applicant maintains that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and

every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicant reserves the right to address such comments.

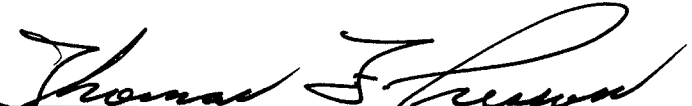
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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